

1 Vanessa R. Waldref
2 United States Attorney
3 Eastern District of Washington
4 Caitlin Baunsgard
5 Assistant United States Attorney
6 Post Office Box 1494
7 Spokane, WA 99210-1494
8 Telephone: (509) 353-2767

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

OCT 19 2021

SEAN F. McAVOY, CLERK
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SPOKANE, WASHINGTON

9 UNITED STATES DISTRICT COURT
10 FOR THE EASTERN DISTRICT OF WASHINGTON

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 MARIAN GRACE FLEMING and
15 GARY ERWIN DOUGLASS,

16 Defendants.

2:21-CR-145-TOR
INDICTMENT

Vio: 21 U.S.C. §§ 841(a)(1),
(b)(1)(A)(viii), (b)(1)(B)(i), 846
Conspiracy to Distribute 500
Grams of Methamphetamine
and 100 Grams of Heroin
(Count 1)

21 U.S.C. § 841(a)(1),
(b)(1)(B)(viii)
Distribution of 50 Grams of
Methamphetamine
(Count 2)

21 U.S.C. § 841(a)(1), (b)(1)(C)
Possession with Intent to
Distribute Heroin
(Count 3)

21 U.S.C. § 841(a)(1),
(b)(1)(B)(i)
Possession with Intent to
Distribute 100 Grams of Heroin
(Count 4)

21 U.S.C. § 841(a)(1), (b)(1)(C)
Possession with Intent to
Distribute Methamphetamine
(Count 5)

21 U.S.C. § 853
Forfeiture Allegation

The Grand Jury charges:

COUNT 1

On a date unknown, but by on or about August 2020, and continuing until on or about August 2021, in the Eastern District of Washington and elsewhere, the Defendants, MARIAN GRACE FLEMING and GARY ERWIN DOUGLASS, and other individuals, both known and unknown to the Grand Jury, did knowingly and intentionally combine, conspire, confederate and agree together with each other to commit the following offense: distribution of 500 grams or more of a mixture or substance containing methamphetamine, a Schedule II controlled substance, in violation of 21 U.S.C. § 841(a)(1), (b)(1)(A)(viii), and 100 grams or more of a mixture or substance containing a detectable amount of heroin, a Schedule I controlled substance, in violation of 21 U.S.C. § 841(a)(1), (b)(1)(B)(i); all in violation of 21 U.S.C. § 846.

COUNT 2

On or about July 3, 2021, in the Eastern District of Washington, the Defendant, MARIAN GRACE FLEMING, did knowingly and intentionally distribute 50 grams or more of a mixture or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, in violation of 21 U.S.C. § 841(a)(1), (b)(1)(B)(viii).

COUNT 3

On or about July 27, 2021, in the Eastern District of Washington, the Defendants, MARIAN GRACE FLEMING and GARY ERWIN DOUGLASS, did knowingly and intentionally possess with intent to distribute a mixture or substance containing a detectable amount of heroin, a Schedule I controlled substance, in violation of 21 U.S.C. § 841(a)(1), (b)(1)(C).

COUNT 4

On or about October 2, 2020, in the Eastern District of Washington, the Defendants, MARION GRACE FLEMING and GARY ERWIN DOUGLASS, did knowingly and intentionally possess with intent to distribute 100 grams or more of a mixture or substance containing a detectable amount of heroin, a Schedule I controlled substance, in violation of 21 U.S.C. § 841(a)(1), (b)(1)(B)(i).

COUNT 5

On or about October 2, 2020, in the Eastern District of Washington, the Defendants, MARIAN GRACE FLEMING and GARY ERWIN DOUGLASS, did knowingly and intentionally possess with the intent to distribute a mixture or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, in violation of 21 U.S.C. § 841(a)(1), (b)(1)(C).

NOTICE OF CRIMINAL FORFEITURE

The allegations contained in this Indictment are hereby re-alleged and incorporated by reference for the purpose of alleging forfeitures.

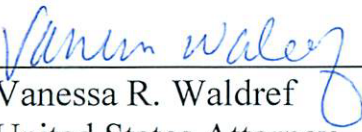
Pursuant to 21 U.S.C. § 853, upon conviction of an offense in violation of 21 U.S.C. §§ 841(a)(1), 846, as set forth in this Indictment, the Defendants, MARIAN GRACE FLEMING and GARY ERWIN DOUGLASS, shall forfeit to the United States of America, any property constituting, or derived from, any proceeds obtained, directly or indirectly, as the result of such offense and any property used or intended to be used, in any manner or part, to commit or to facilitate the commission of the offense(s).

1 If any forfeitable property, as a result of any act or omission of the Defendant(s):

- 2 a. cannot be located upon the exercise of due diligence;
3 b. has been transferred or sold to, or deposited with, a third party;
4 c. has been placed beyond the jurisdiction of the court;
5 d. has been substantially diminished in value; or
6 e. has been commingled with other property which cannot be divided
7 without difficulty,

8 the United States of America shall be entitled to forfeiture of substitute property
9 pursuant to 21 U.S.C. § 853(p).

10 DATED this 19th day of October, 2021.

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16 Vanessa R. Waldref
17 United States Attorney

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19 Caitlin Baunsgard
20 Assistant United States Attorney
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